

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

## UNITED STATES PATENT AND TRADEMARK OFFICE

### BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte EUGEN KOREN and  
MIRNA KOSCEC

Appeal No. 2006-0874  
Application No. 08/970,045

ON BRIEF

Before FLEMING, Chief Administrative Patent Judge,  
HARKCOM, Vice Chief Administrative Patent Judge, and  
GRIMES, Administrative Patent Judge.

Per curiam

#### DISMISSAL OF APPEAL

This application contains claims 1-13 and 39-47. Claims 1-11, 39, and 41-47 stand allowed and claims 12, 13, and 40 stand rejected. See the Advisory Action mailed March 4, 2004.

On February 16, 2006, Appellants filed a request to withdraw the appeal as to claims 12, 13, and 40. Since those are all of the claims on appeal, the appeal in this application is dismissed.

According to the Manual of Patent Examining Procedure, § 1215.02, "[i]f an application contains allowed claims, as well as claims on appeal, the withdrawal of the

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appeal does not operate as an abandonment of the application, but is considered a withdrawal of the appeal as to those claims and authority to the examiner to cancel the same." See also § 1215.04.

Summary

The appeal is dismissed and the application will be returned to the jurisdiction of the examiner for further action as appropriate.

DISMISSED

  
Michael R. Fleming, Chief  
Administrative Patent Judge

  
Gary V. Harkcom, Vice Chief  
Administrative Patent Judge

  
Eric Grimes  
Administrative Patent Judge

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